

## Message Text

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ORIGIN IO-14

INFO OCT-01 ISO-00 SS-15 DLOS-06 COA-02 SPC-03 L-03 DODE-00

COME-00 INT-08 OMB-01 TRSE-00 EPA-04 NSF-04 CEQ-02

NSC-10 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01 EB-11

OIC-04 CIAE-00 PM-07 H-03 INR-10 NSAE-00 PA-03 PRS-01

USIA-15 ACDA-19 AEC-11 AGR-20 CG-00 DOTE-00 FMC-04

JUSE-00 /254 R

DRAFTED BY IO/UNP-TSCULLY:LCW

APPROVED BY D/LOS-JNMOORE

IO/UNP-LTSTULL

IO-MFHERZ

S/FW-COA-CMDR.BUSBY

L/OA-BHOXMAN

S/PC-HBLANEY(INFO)

DOD-CAPT JBAKER

INTERIOR-LRATINER

COMMERCE-GTAFT

TREASURY-JHARTZELL(INFO) CEQ-DCOOK(SUBS)

TRANSPORTATION-PAYOST NSF-NWULF

OMB-JFOX(INFO) EPA-FULLER

WHITE HOUSE-DCLIFT D/LOS - SMCINTYRE

WHITE HOUSE-GEN SCOWCROFT S/S-MR GAMMON

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P 111731Z OCT 73

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 201581

E.O. 11652: GDS

TAGS: PBOR, UN

SUBJECT: LOS: AMERASINGHE'S GENERAL COMMITTEE PROPOSAL -

INTERIM GUIDANCE

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REF: USUN 3413

1. WE APPRECIATE YOUR REPORT OF AMERASINGHE'S VIEWS  
ON ORGANIZATIONAL AND PROCEDURAL ARRANGEMENTS FOR LOS

CONFERENCE. BECAUSE OF URGENCY OF CONSULTATIONS ON GENERAL COMMITTEE ISSUE - WHICH INVOLVES QUESTION OF CONFERENCE VOTING ARRANGEMENTS - WE HAVE ACCORDED IT SEPARATE AND ACCELERATED TREATMENT. THERE FOLLOWS INTERIM GUIDANCE ON THIS ISSUE:

2. US VIEWS WITH REGARD TO CONFERENCE VOTING ARRANGEMENTS INVOLVE INTER-RELATED OBJECTIVES. WE SEEK OUTCOME WHICH ENSURES THAT VOTING PROCEDURES CANNOT BE USED TO PREJUDICE NEGOTIATION OF WIDELY ACCEPTABLE COMPROMISE PACKAGE WHICH ACCOMMODATES INTERESTS OF MAJOR MARITIME POWERS IN GENERAL AND US IN PARTICULAR, AND WHICH IS ESSENTIAL TO SUCCESSFUL CONFERENCE. AT SAME TIME, WE WISH TO AVOID PROCEDURES WHICH WOULD ALLOW SINGLE OR SEVERAL OBSTRUCTIONIST STATES TO PREVENT VOTING WHEN NECESSARY TO PROMOTE EVOLUTION OF SUCH COMPROMISE PACKAGE. CONSENSUS PROCEDURES SHOULD BE USED AS LONG AS PRODUCTIVE BUT WE BELIEVE THAT THERE SHOULD BE PROVISION FOR VOTING

AT PROPER TIME - E.G., WHEN OUTLINE OF REQUIRED COMPROMISE BEGINS TO EMERGE - TO MAINTAIN NECESSARY NEGOTIATING INCENTIVES.

3. AMERASINGHE HAS SUGGESTED FOR LOS CONFERENCE THOSE FORMAL VOTING PROCEDURES TRADITIONALLY EMPLOYED FOR INTERNATIONAL CONFERENCES: SPECIFICALLY COMMITTEE DECISIONS BY SIMPLE MAJORITY AND PLENARY DECISIONS BY TWO-THIRDS MAJORITY. WE ASSUME THAT THERE WILL BE OVERWHELMING SUPPORT FOR THESE FORMAL RULES, AND THAT ANY ATTEMPT ON OUR PART TO MODIFY THEM WOULD BE DOOMED TO FAILURE AND COULD RAISE QUESTIONS AS TO OUR GOOD FAITH.

4. SINCE FORMAL RULES DO NOT FULLY ACCOMMODATE OUR CONCERNS, AND THOSE OF OTHERS, REGARDING VOTING, WE BELIEVE THAT THESE CONCERNS SHOULD BE MET THROUGH FIRM INFORMAL ARRANGEMENTS TO SUPPLEMENT FORMAL RULES. AMERASINGHE  
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HAS PROPOSED SUCH "GENTLEMEN'S AGREEMENT" AS MEANS OF ACCOMMODATING INTERESTS SUCH AS OUR OWN. HIS SUGGESTION SEEMS RECOGNITION THAT SUCCESSFUL LOS TREATY REQUIRES ADHERENCE BY US AND OTHER MAJOR POWERS.

5. INFORMAL AGREEMENT WE HAVE IN MIND WOULD PROVIDE FOR CAREFULLY CONTROLLED DECISIONS ON WHEN ANY FORMAL CONFERENCE VOTING WOULD TAKE PLACE - IN OTHER WORDS, ON WHEN STAGE HAS BEEN REACHED REQUIRING APPLICATION OF FORMAL RULES ON VOTING PROCEDURE. TO BE SATISFACTORY, SUCH AGREEMENT WOULD HAVE TO ALLOW US - AND LIKE-MINDED POWERS - MAJOR INFLUENCE IN MAKING THESE DECISIONS. FOR THIS REASON, WE SEE MERIT IN AMERASINGHE'S PROPOSAL TO EMPOWER GENERAL COMMITTEE TO DECIDE WHEN

ANY FORMAL VOTING IS TO TAKE PLACE. BESIDES, THERE APPEAR TO BE NO ATTRACTIVE ALTERNATIVES. (REQUIRING REGIONAL GROUP CONSENSUS BEFORE PROCEEDING TO VOTING COULD HAVE PRACTICAL EFFECT OF GIVING VETO TO SINGLE STATE IN ANY OR ALL GROUPS).

6. PLACING IN GENERAL COMMITTEE AUTHORITY TO DECIDE ON VOTING RENDERS CRITICAL QUESTIONS OF ITS VOTING PROCEDURES AND COMPOSITION. ON FIRST POINT AMERASINGHE SUGGESTS THAT GENERAL COMMITTEE OPERATE BY CONSENSUS. WE HAVE MISGIVINGS ABOUT PROCEDURE WHICH WOULD ALLOW SINGLE STATE OR SEVERAL TO OBSTRUCT ALL CONFERENCE PROGRESS BY VETOING ANY FORMAL VOTES. PRESENCE OF STATES WHICH MAY OPPOSE SUCCESSFUL CONFERENCE ON GENERAL COMMITTEE APPEARS UNAVOIDABLE. THEREFORE WE PREFER THAT GENERAL COMMITTEE OPERATE ON BASIS OF QUALIFIED MAJORITY AND IN OUR VIEW TWO-THIRDS MAJORITY OF GENERAL COMMITTEE

MEMBERS, AS MINIM

UM, WOULD SATISFY US INTERESTS. WE RECOGNIZE THAT STILL LARGER MAJORITY, PERHAPS INCLUDING LIBERALLY INTERPRETED CONSENSUS, WOULD PROVIDE AUTOMATIC GUARANTEE AGAINST PREMATURE VOTING. OUR ANALYSIS INDICATES THAT TWO-THIRDS SYSTEM WOULD BETTER BALANCE OUR INTERESTS: ADEQUATE GUARANTEES AGAINST PREMATURE VOTING WITH PROTECTION AGAINST OBSTRUCTION OF ALL PROGRESS BY

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STATE OR STATES SEEKING TO BLOCK FINAL AGREEMENT. HOWEVER, WE COULD ACCEPT SOME FORM OF LOOSE CONSENSUS NOT INVOLVING UNANIMITY IF A TWO-THIRDS SYSTEM PROVES UNATTAINABLE. SUCH LOOSE CONSENSUS ARRANGEMENT WOULD INCLUDE A STATEMENT OF UNDERSTANDING BY CHAIRMAN TO THE EFFECT THAT THE COMMITTEE WOULD NOT DETERMINE FOR THE CONFERENCE TO PROCEED TO VOTING ON ANY ISSUE UNTIL THERE EXISTS REASONABLE PROSPECT OF BROAD GENERAL AGREEMENT.

7. COMPOSITION OF GENERAL COMMITTEE WITH SUCH POWERS BECOMES OF MAJOR IMPORTANCE, WHATEVER ITS VOTING ARRANGEMENTS. WE STRONGLY ADVOCATE ADHERENCE TO TRADITIONAL GENERAL ASSEMBLY COMPOSITION FOR GENERAL COMMITTEE- THAT IS, PRESIDENT, VICE PRESIDENTS, AND COMMITTEE CHAIRMANSHIP - ON BASIS OF EQUITABLE REGIONAL DISTRIBUTION, AND INCLUDING FIVE PERMANENT MEMBERS OF SC. THE FIVE PERMANENT SC MEMBERS ARE INCLUDED, BUT NOT COUNTED IN DETERMINING THIS DISTRIBUTION. EXAMPLE OF UNGA GENERAL COMMITTEE HAS BEEN FOLLOWED IN NUMEROUS INTERNATIONAL CONFERENCES AND SHOULD BE EMPLOYED IN LOS CONFERENCE.

8. ASSUMING MEMBERSHIP BY PERMANENT SC MEMBERS, WE

FAVOR LOW NUMBER OF ADDITIONAL VICE PRESIDENCIES TO KEEP GENERAL COMMITTEE SIZE AT MINIMUM. WE WOULD STRONGLY PREFER TOTAL GENERAL COMMITTEE MEMBERSHIP OF 23 TO 25 OR LESS, WITH LATTER FIGURE THAT OF UNGA GENERAL COMMITTEE. WEIGHT OF PERMANENT SC MEMBER VIEWS, INCLUDING OUR OWN, WOULD BE GREATER IN SMALLER GENERAL COMMITTEE. ADDITIONALLY, BLOCKING MINORITY NECESSARY TO PREVENT PREMATURE VOTING WOULD BE MORE EASILY NEGOTIABLE IN RELATIVELY SMALL GENERAL COMMITTEE, THOUGH WE ARE CONVINCED THAT SUCH A BLOCKING GROUP WOULD EXIST WHATEVER SIZE OF GENERAL COMMITTEE. MOREOVER, FOR SIMILAR REASONS, WE PREFER THAT DECISION TO VOTE REQUIRE SUPPORT OF TWO-THIRDS OF ALL MEMBERS OF GENERAL COMMITTEE, WHETHER OR NOT SOME STATES ABSTAIN OR ARE ABSENT. IN ANY EVENT, QUESTION OF WHICH COUNTRIES OBTAIN VICE PRESIDENCIES IS MATTER OF SIGNIFICANCE TO US. WE CONSIDER IT IMPORTANT, FOR INSTANCE, THAT JAPAN BE REPRESENTED, AS WELL AS FIVE PERMANENT SC MEMBERS.

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9. SINCE AMERASINGHE'S CONSULTATIONS WILL INTENSIFY WITH APPROACH OF FIRST COMMITTEE CONSIDERATION OF SEABED ITEM, WE BELIEVE AMBASSADOR STEVENSON SHOULD TAKE FIRST OPPORTUNITY TO APPRISE AMERASINGHE INFORMALLY OF OUR THINKING AND SOLICIT HIS REACTION. WE WISH TO CONVEY FOUR POINTS: (A) CONCURRENCE WITH AMERASINGHE'S PROPOSAL THAT GENERAL COMMITTEE BE EMPOWERED TO DECIDE WHEN CONFERENCE VOTING IS TO TAKE PLACE; (B) OUR INITIAL PREFERENCE FOR DECISIONS TO VOTE REQUIRING AFFIRMATIVE SUPPORT OF TWO-THIRDS OF FULL GENERAL COMMITTEE MEMBERSHIP RATHER THAN BY CONSENSUS; (C) OUR STRONG PREFERENCE FOR RELATIVELY SMALL GENERAL COMMITTEE (23-25 OR LESS) AND (D) OUR STRONG BELIEF THAT GENERAL COMMITTEE BE CONSTITUTED IN SAME FASHION AS IN UNGA, INCLUDING MEMBERSHIP FOR PERMANENT SC MEMBERS. IN LIGHT OF AMERASINGHE'S REACTION TO ABOVE, WE WILL WANT TO DISCUSS ROLE OF GENERAL COMMITTEE WITH MEMBERS OF GROUP OF FIVE AND OTHER DELEGATIONS. KISSINGER

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## Message Attributes

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**Capture Date:** 11 MAY 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 OCT 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** collinp0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** USUN 3413  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** collinp0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 09 OCT 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <09-Oct-2001 by smithrj>; APPROVED <22 FEB 2002 by collinp0>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS: AMERASINGHE'S GENERAL COMMITTEE PROPOSAL - INTERIM GUIDANCE  
**TAGS:** PBOR, UN  
**To:** USUN N Y  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005